



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue, Suite 900
Seattle, WA 98101-3140

JAN 23 2014

**OFFICE OF
COMPLIANCE AND ENFORCEMENT**

Reply To: AOO-A

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Ms. Sue Sullivan
Environmental Unit Manager
Idaho Transportation Department
P.O. Box 7129
Boise, Idaho 83707-1129

Re: Request for Information Pursuant to Section 114 of the Clean Air Act for Asbestos National Emission Standards for Demolition Activities

Dear Ms. Sullivan:

Pursuant to Section 114(a)(1) of the Clean Air Act (CAA), 42 U.S.C. § 7414(a)(1), the U.S. Environmental Protection Agency (EPA) is evaluating potential violations of asbestos regulations promulgated under the CAA and codified at 40 C.F.R. Part 61, Subpart M, commonly known as the Asbestos National Emission Standards for Hazardous Air Pollutants (Asbestos NESHAP). We would appreciate your assistance with this evaluation.

In April 2013, EPA Region 10 received a complaint from an inmate at an Idaho State correctional facility alleging that he and other inmates worked to remove old flooring from a break room at the Idaho Transportation Department (ITD) District 6 offices in Rigby, Idaho, while under supervision from the Department of Corrections. According to the complaint, workers used mechanical chippers and grinders to remove the flooring and underlying mastic, resulting in considerable dust. The complainant stated that based on his experience, it seemed likely the flooring contained asbestos, but when he asked about asbestos in the flooring, he was told not to worry because of the age of the building. In August 2013, EPA received a similar complaint from a correctional officer who oversaw the above inmate work crew. According to the officer, dust was generated from the mechanical tools used to remove flooring. Samples of the flooring material were tested and found to contain a regulated concentration of chrysotile asbestos fibers. According to the officer, the waste from this job was simply placed in a trash dumpster and was not contained or labeled as asbestos wastes. EPA has contacted the private waste hauler who services dumpsters at the ITD District 6 facility and confirmed that waste from those dumpsters is normally transported to a transfer station where it becomes mixed with all wastes and is handled as non-regulated municipal waste.

In late November 2013, EPA Region 10 inspector, John Pavitt, contacted you about this asbestos complaint and requested additional information in a follow-up email. In December 2013, you submitted several emails with information about the flooring renovation project at the ITD District 6 Maintenance

Shop Building, including historical asbestos testing, as well as testing in November and December 2013. Thank you for providing these records.

Based on the above complaints and the records you have provided, it appears that Regulated Asbestos Containing Material (RACM) was removed from the ITD District 6 facility in Rigby, Idaho, during a renovation in late April and/or early May 2013. This project was subject to the Asbestos NESHAP (40 CFR § 61.140). A review of files at EPA Region 10 offices found no notification submitted for this project as required.

Pursuant to EPA's Section 114 authority, **EPA hereby requires that ITD submit to EPA a complete response to this Information Request in accordance with the enclosed Instructions and Definitions, within thirty (30) calendar days of receipt of this letter.** Your response should include the information requested below, including all documents responsive to such request or relied upon by you in preparing your written responses to such request.

An extension of time to respond may be granted by EPA only for good cause, and only if requested in writing from John Pavitt of the Alaska Operations Office, Anchorage, within seven (7) calendar days of receipt of this letter. If no extension is requested within seven (7) calendar days of receipt of this letter, we expect a complete response within 30 days. Mr. Pavitt can be reached at (907) 271-3688.

The information requested must be submitted whether or not you regard all or part of it as a trade secret or confidential information. You may, if you desire, assert a claim of business confidentiality, covering all or part of the information submitted, as provided in Section 114(c) of the CAA, 42 U.S.C. § 7414(c), and 40 C.F.R. Part 2, Subpart B. All information claimed as confidential should be contained on separate sheet(s) and should be clearly identified as "confidential," "trade secret," or "proprietary." Please note that you bear the burden of substantiating your confidentiality claim. Unless you make a claim at the time you submit the information in the manner described in 40 C.F.R. § 2.203(b), it may be made available to the public by EPA without further notice to you. Information subject to a business confidentiality claim may be disclosed by EPA only to the extent and pursuant to the procedures set forth in 40 C.F.R. Part 2, Subpart B. You should read the above-cited statutes and regulations carefully before asserting a business confidentiality claim because certain categories of information are not the proper subject of such a claim.

This request for information is not subject to review by the Office of Management and Budget pursuant to the Paperwork Reduction Act, 44 U.S.C. §§ 3501-3520.

Please send the requested information to:

John Pavitt
U.S. Environmental Protection Agency
Alaska Operations Office
222 W. 7th Avenue
MS-19
Anchorage, Alaska 99513

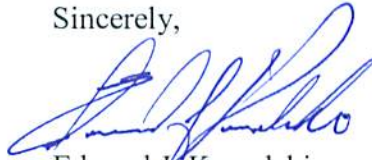
Section 113 of the CAA, 42 U.S.C. § 7413, authorizes EPA to pursue penalties and compel compliance for failure to comply with or respond adequately to an information request under Section 114 of the CAA. In addition, providing false, fictitious, or fraudulent statements or representations may subject

you to criminal penalties under 18 U.S.C. § 1001. The information you provide may be used by EPA in administrative, civil, or criminal proceedings.

If you have any legal or technical questions relating to this Information Request, contact EPA prior to the dates specified above. Please direct legal questions to Kris Leefers at (206) 553-1532. CAA technical questions should be directed to John Pavitt at (907) 271-3688.

Thank you for your cooperation in this matter.

Sincerely,



Edward J. Kowalski
Director

Enclosures

1. Instructions
2. Definitions
3. Information Request
4. Statement of Certification

cc w/o enc: John Pavitt
Anchorage Operations Office

Kris Leefers
Office of Regional Counsel
EPA Region 10

INSTRUCTIONS

1. This Information Request requires responses from the Idaho Transportation Department (ITD). If you rely on information from another person, then as part of your response to each request, identify such person(s) and what information they provided to you.
2. This Information Request shall be construed as a request for any and all information or documents relating to the matters described, which are maintained by, or in the custody, control, or possession of ITD, its members, directors, officers, employees, or agents, including contractor, Advance Flooring Concepts.
3. For each document produced in response to a request, indicate on such document, or in some other reasonable manner, the number of the request(s) to which it responds.
4. Please provide a separate narrative response to each request and provide all documents relied upon or related to your response to each request. Precede each answer with the number of the question to which it responds.
5. If you believe that documents or information responsive to one request are responsive, in whole or part, to one or more other requests, you need not provide the information or documents more than once. In such case you may identify the documents or information already provided by some unambiguous means that clearly identifies the responsive documents or information.
6. Provide responses to the best of your ability, even if the information sought was never put down in writing or if the written documents are no longer available. If requested information or documents are not known or are not available to you at the time of your response to this information request, but later become known or available to you, you must provide the information or documents in a supplemental response to EPA. Moreover, should you find at any time after submission of your response that any portion of the response is false, incomplete, or misrepresents the facts, you must provide EPA with a corrected response as soon as possible.

DEFINITIONS

All terms not defined herein shall have their ordinary meaning, unless such terms are defined in Title I of the CAA, or 40 C.F.R. Part 61, Subpart M, in which case such statutory or regulatory definition shall apply. The following definitions shall apply to this Information Request:

1. The term “you” or “Respondent” shall mean the Idaho Transportation Department and any officers, managers, employees, contractors, trustees, successors, assigns, and agents, and any predecessor or successor entities, corporations, or companies.
2. The terms “Site” or “Facility” shall mean the real property, buildings, structures, and appurtenances located at or around the Idaho Transportation Department District 6 Facility, located at 206 North Yellowstone Highway, Rigby, in the state of Idaho.
3. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular request or requests.
4. The terms “and” and “or” shall be construed either disjunctively or conjunctively, as necessary, to bring within the scope of this information request any information which might otherwise be construed to be outside its scope.
5. The terms “asbestos,” “asbestos-containing waste materials,” “adequately wet,” “renovation,” and “waste disposal site,” shall have the definitions set forth in the Asbestos NESHAP (40 CFR §§ 61.141, 61.145, and 61.150).
6. The terms “document” and “documents” shall mean any method of recording, storing, or transmitting information. “Document” shall include, but not be limited to writings of any kind, including, but not limited to, any of the following:
 - a. any film, photograph, or sound recording on any type of device;
 - b. any blueprints or drawings; and
 - c. attachments to, or enclosures with, any document.

INFORMATION REQUEST

1. In records submitted to EPA via e-mail in December 2013, you stated that approximately 460 square feet of flooring tile was removed from the break room and hallway of the ITD District 6 Maintenance Building during a flooring renovation project in late April and/or early May 2013 ("Flooring Renovation Project"). Please confirm that this estimate of flooring area disturbed by the Flooring Renovation Project is correct.
2. Provide copies of asbestos training records for any on-site supervisor present during the Flooring Renovation Project.
3. Describe the work methods used to remove flooring from the break room and hallway of the ITD District 6 Maintenance Building during the Flooring Renovation Project. For example, what types of tools were used, and were wet methods used during the removal process?
4. Describe the manner in which waste material from the Flooring Renovation Project was removed from the ITD District 6 Maintenance Building for disposal, including the type of waste containers used, if any.
5. Describe where waste materials from the Flooring Renovation Project were disposed of. Provide copies of all receipts from any waste disposal sites used for the Flooring Renovation Project.
6. Provide a copy of any contract(s) with the flooring contractor (Advance Flooring Concepts) who installed new flooring in the break room and hallway of the ITD District 6 Maintenance Building as a part of or following the Flooring Renovation Project.
7. Provide confirmation whether the ITD District 6 Maintenance Building has been cleaned and checked for asbestos contamination, following the written recommendation of your consultant, Teton Environmental Health LLC in its December 10, 2013 Report on Air and Surface Sampling Results, Project 13026.

IN THE MATTER OF:)
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 Idaho Transportation Department,) STATEMENT OF CERTIFICATION
)
 Respondent.)
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My Commission expires _____